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09/25/99

PATENT

ATTORNEY DOCKET NO. CGNE.099.03US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Knauf *et al.*

Serial No.: 09/232,861

Filed: January 15, 1999

For: **METHODS AND COMPOSITIONS
FOR REGULATED TRANSCRIPTION
AND EXPRESSION OF
HETEROLOGOUS GENES**



) Examiner: Not Yet Assigned

) Art Unit: 1649

) **INFORMATION DISCLOSURE**
) **STATEMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention.

References (A1-8, B7, C1-7, C9-18, C21-24, C26-28, C30-34, C36-61, C63-72, C75-85, C87-88, C90-99, C101- C110) have been cited by the Examiner or submitted by the Applicants in priority Application No. 08/105,852 filed August 10, 1993.

References (A9, B1-6, C8, C19-20, C25, C29, C35, C62, C73-74, C86, C89, and C100 and C111) have been cited by the Examiner or submitted by the Applicants in priority Application No. 08/484,941 filed June 7, 1995. Each of these references have been cited by or submitted to the Office in a properly identified prior application, therefore under 37 C.F.R. §1.98(d) copies of these references are not required.

CERTIFICATE OF EXPRESS MAILING

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Date of Deposit: 17 September, 1999

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

Sarah M. Barnett (Sarah M. Barnett)
(Signature)


Applicant makes no representation that a complete search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

- ☐ Several of the enclosed publications were cited in a foreign examination report in a related case. A copy of the search report is attached.
- ☐ The search report is not in the English language and a translation of the search report is enclosed.
- ☐ Enclosed in an explanation of the relevance of non-English publications for which an English translation is not available.
- ☐ The explanation is in the form of an English language search report.

The subject application is believed patentable over any of the above references.

Respectfully submitted,

Dated: September 16, 1999


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PATENT

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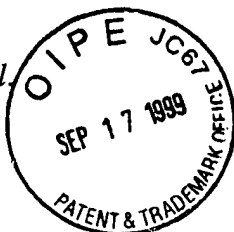
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) Examiner: NYA

) Art Unit: 1649

) **INFORMATION DISCLOSURE**
) **STATEMENT TRANSMITTAL**

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is:

- ☒ [X] An Information Disclosure Statement.
- ☒ [X] A PTO-1449.
- ☐ [] Copies of references listed on the PTO-1449 form.
- ☒ [X] Return postcard (postage prepaid).

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL288327460 US

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Sarah M. Barnett
(Signature)
Sarah M Barnett
(Printed Name)

1. ☒ This Information Disclosure Statement is filed before the later of:
 - ☐ three months from the filing date of this national application;
 - ☐ three months from the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or
 - ☒ the mailing date of a first office action on the merits.☒ In accordance with 37 C.F.R. § 1.97(b), no fee is required.
2. ☐ This Information Disclosure Statement is filed after the events noted in paragraph 2, but before either:
 - (1) a final action under 37 C.F.R. § 1.113; or
 - (2) a Notice of Allowance under 37 C.F.R. § 1.311.☐ In accordance with 37 C.F.R. § 1.97(c) also enclosed is:
 - ☐ a fee under 37 C.F.R. § 1.17(p) in the amount of \$240; or
 - ☐ a certification as stated below.
3. ☐ This Information Disclosure statement is filed before the payment of the issue fee, but after either:
 - (1) a final action under 37 C.F.R. § 1.113; or
 - (2) a Notice of Allowance under 37 C.F.R. § 1.311.☐ In accordance with 37 C.F.R. § 1.97(d) also enclosed is:
 - (1) A certification, as stated below;
 - (2) A Petition requesting consideration of the Information Disclosure Statement; and
 - (3) The petition fee set forth in 37 C.F.R. § 1.17(i)(1) in the amount of \$130.

Certification

The undersigned also states:

- ☐ Each item of information contained in the Information Disclosure Statement cited herein was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

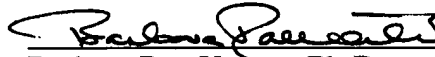
The fees indicated above are:

TOTAL FEES: \$ 0

- ☐ A check including the amount of the above-indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 18-0020 in the amount of: \$ _____.
- ☐ A check in the amount of \$ _____ is attached.
- ☐ No fee is required.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☒ A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Dated: September 16, 1999



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